

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
NOVEMBER 15, 2023**

Mayor Neal E. McIntyre called the meeting to order at 5:00 pm.

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Mayor Neal E. McIntyre, Councilman Ryan Hanan, Councilwoman Felicity Zoberski, Councilman Stan Lau, Councilman Albert Torres, Councilwoman Fran McKay, City Manager Benjamin Marchant, Deputy City Manager Lydia Altick, City Attorney Aaron Mouritsen, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, Building Official Charity Birkel, Senior Planner Shay League, Planning Director Michele Rambo, Public Works Director Barry Williams, Deputy Public Works Director Olivia John, City Engineer Derek Starkey

1.3. Public Forum

There was no public input at this time.

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA. **Action:** Approved, **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan

2. CONSENT AGENDA

2.1. (Possible Action) Approval of Voucher Report

2.2. (Possible Action) Approval of Minutes

2.3. (Possible Approval) Approval of Business Licenses

City Clerk Kim Swanson read the approved business licenses.

2.4. Possible Action to Approve the Will-Serve Request from Sure Clean Car Wash for 0.12 ERC's for Water (Irrigation Only) for Lyon County Parcel 021-232-68 located at 1530 E. Newlands Drive Fernley, NV

2.5. Possible action to approve a contract with CDM Smith to provide engineering analysis, design and construction administration for the proposed surface water treatment improvements at the water treatment plant facility in the amount not to exceed \$338,713.

2.6. (For Possible Action) Adoption of Resolution # 23-016 to amend the development services fee schedule to reflect actual cost of contracted surveyor consultant rates rather than a set surveyor fee.

2.7. Possible Action to approve a contract with Legal Edge Software to Provide Azure Services and Managed Services

2.8. Possible action to approve \$10,000 of additional funding for the Bureau of Land Management (BLM) to continue processing the original eight parcels for conveyance and preparatory work on the Fernley Conveyance Phase 2 conveyance.

2.9. Possible Action to approve a Cannabis Cultivation license for International Service & Rebuilding, Inc.

2.10. Possible Action to approve a Cannabis Production license for International Service & Rebuilding, Inc.

Motion: I MOVE TO APPROVE THE CONSENT AGENDA WITH ITEM 2.8 BEING REMOVED DUE TO THIS ITEM BEING COMPLETED ALREADY. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilman Stan Lau. Vote: Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

3. REPORTS - this item is for various public entity representatives to provide general information to the Council and public. No action will be taken.

3.1. Reports by City Staff, City Council, and the Mayor, including but not limited to monthly statistical reports by city departments.

City Manager, Ben Marchant reported he has scheduled a strategic planning work session with the council on Thursday, December 14, 2023. This will be opened to the public. The 2022/2023 audit is almost complete, and the sweep account established in September 2023 has earned interest of \$31,322.61 for the month of October 2023. The Fernley Main Street Program has formed a board and the program has established four committees; a design committee, a promotions committee, an organizations committee and an economic vitality committee. The committees will meet separately on the fourth Tuesday of the month and are currently in need of more participants. A survey went out in the monthly water bills and is on the city's website and Facebook page. The results of this survey will be used to help inform the Fernley Main Street strategic planning initiative. The city is in the process of updating the emergency operations plan. The last one expired in 2014. Once it is drafted and approved internally by the County and City, it will be brought before the Council.

Councilwoman Fran McKay reported that the Rotary is putting on free meals at the firehouse for Thanksgiving and is looking for volunteers to cook turkeys and bring pies.

Mayor Neal E. McIntyre reported that he attended the Veterans Assembly, along with Councilman Torres and Councilwoman Zoberski. He also gave a brief update on the City at The Chamber luncheon.

4. PROCLAMATIONS BY THE MAYOR

Mayor Neal E. McIntyre proclaimed Saturday November 25, 2023, as Small Business Saturday. The proclamation was presented to Kelly Brye.

5. ORDINANCES

5.1. (For Possible Action) First Reading of Bill # 341, amending Section 2.02.07 of the City of Fernley Municipal Code modifying the appointment of a City Manager in the long term absence of a City Manager.

City Attorney Mouritsen explained this change has been requested by City Council. The request is to change "may" to "shall" in FMC 2.02.07.

6. STAFF REPORTS

6.1. (For Possible Action) Consideration, discussion, and possible action to approve a contract with Kimley-Horn not to exceed \$119,615 for the preparation of the Southwest Fernley Area Plan.

Planning Director Rambo presented this item. The City of Fernley Planning Department solicited proposals from qualified planning consultants to create a new portion of the Comprehensive Master Plan known as the Southwest Fernley Area Plan. This plan is anticipated to provide a guide for the future development of the area with specific focus on issues such as transportation/traffic, land use and zoning, development standards, flooding and drainage, infrastructure, community services, parks and open space, financing, and implementation. Kimley-Horn was the consultant chosen by the selection committee to take on this task. The contract with Kimley-Horn requires City Council approval. The work performed by Kimley-Horn would include data collection and analysis, community engagement, visioning and goal setting, development of the Area Plan, developing an implementation strategy, and ultimate plan adoption. The cost of this work is expected to be significantly lower than other consultants because Kimley-Horn will have already done most of the preliminary studies with the preparation of the North Fernley Area Plan.

Motion: I MOVE TO APPROVE A CONTRACT WITH KIMLEY-HORN NOT TO EXCEED \$119,615 FOR THE PREPARATION OF THE SOUTHWEST FERNLEY AREA PLAN. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilwoman Fran McKay. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

6.2. Discussion and possible action to approve the guaranteed maximum price for the construction of the first phase of the Community Response and Resource Center in an amount not to exceed \$17,935,872.00.

Derek Starkey, City Engineer, presented this item. This staff report is presenting the final guaranteed maximum price, GMP, for the first phase of the Community Response and Resource Center. If the GMP is approved, staff will move forward with executing the contract for construction manager at risk services with CORE Construction at the December 6, 2023, meeting of City Council. The City and CORE reviewed and finalized the GMP and a final GMP was issued by CORE on November 1st. Construction is scheduled to start in April of 2024 and be completed by June 2025.

There was no public input.

Motion: I MOVE TO TABLE THIS ITEM TO A LATER PORTION OF TONIGHTS AGENDA. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilwoman Fran McKay. **Vote:** Passed, **Summary:** Yes 4, No 1. **Yes:** Councilwoman Zoberski, Councilman Torres, Councilwoman McKay, Councilman Hanan, **No:** Councilman Lau

Cody Wagner, Fernley Community Foundation, gave a recap on the Community Response and Resource Center. He thanked the staff for leading this project, figuring out the scope for it that makes sense for our city right now.

Motion: I MOVE TO APPROVE THE GUARANTEED MAXIMUM PRICE FOR CONSTRUCTION OF PHASE ONE OF THE COMMUNITY RESPONSE AND RESOURCE CENTER FROM CORE CONSTRUCTION. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes, 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

6.3. Discussion and possible action to approve the abandonment of a water utility easement created in recorded documents number 662290 on APN 021-061-32 and number 662289 on APN 021-061-29.

Derek Starkey, City Engineer, presented this item. Staff is seeking approval to execute an order of abandonment for two existing water utility easements. Staff recommends approving the abandonment of the easement in accordance with the Development Code and the Nevada Revised Statutes. The easements were recorded prior to the start of construction. During the course of construction, the alignment of the water main changed and placed portions of the water main outside of the recorded easement limits. New easements have been recorded that cover the new alignment. The original easement alignment is therefore no longer needed by the City. The easement is not for public access and therefore, abandoning the easement would not impair the access of any owners of property.

Motion: I MOVE TO APPROVE THE ABANDONMENT OF A WATER UTILITY EASEMENT CREATED IN THE RECORDED DOCUMENTS NUMBER 662290 ON APN 021-061-32 AND NUMBER 662289 ON APN 021-061-29. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

7. PUBLIC HEARINGS

7.1. (For Possible Action) Discussion and possible action on Resolution #23-015 as it pertains to an annexation application (ANX23001) submitted by Summit Engineering on behalf of Lansing Companies regarding a request to annex into the City of Fernley a ±155.60-acre parcel generally located west of Duffy Drive, east of Truck Inn Way, and northwest of Nevada Pacific Parkway at Interstate 80 (APN: 021-581-07).

Shay League, Senior Planner, presented this item. This item relates to a resolution of intent to annex this parcel into the City of Fernley. Should the Council decide to adopt this resolution, the Lyon County Board of Commissioners will have the opportunity to determine whether they approve or disapprove of the annexation. Should the Board of Commissioners approve the annexation, the applicant will then file the official annexation map with the Lyon County Recorder. The City of Fernley Planning Commission voted 5-0 (with one Commissioner absent and one seat open) on October 11, 2023, to recommend the City Council adopt the findings related to considerations of approval AX1 through AX4 as presented in the staff report. They further recommended Council adopt a resolution to annex 021-581-07 into the City of Fernley, convert the zoning of said parcel from RR5 to GR20, and prohibit development on this parcel until the North Fernley Area Plan is complete.

There was no public input at this time.

Motion: I MOVE TO ADOPT THE FINDINGS RELATED TO CONSIDERATIONS OF APPROVAL AX1 THROUGH AX4 AS PRESENTED IN THE STAFF REPORT. I FURTHER MOVE TO ADOPT RESOLUTION 23-015 TO DECLARE INTENT TO ANNEX APN: 021-581-07 INTO THE CITY OF FERNLEY, CONVERT THE ZONING OF SAID PARCEL FROM RR5 TO GR20, AND PROHIBIT DEVELOPMENT ON THIS PARCEL UNTIL THE NORTH FERNLEY AREA PLAN IS COMPLETE. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

7.2. (For possible action) Consideration of a type 1 vacation request (T1V23001) and associated order of abandonment by Denson Surveying on behalf of Genica Skyridge Estates to abandon a portion of the public street right-of-way known as "Serenity Circle", located at approximately 1300 / 1336 Serenity Circle (APNs: 022-481-01 and 022-481-19), to allow for re-dedication of a right-of-way that matches the street as constructed.

Shay League, Senior Planner, presented this item. This is an unusual case where Serenity Circle was constructed outside of the right-of-way (ROW) as recorded. The item originally contained a type 1 and type 2 vacation request in the same application; combining the applications as one was approved by the administrator. Because the ROW for a portion of the road needs to change, the corresponding public utility easements (PUEs) along each side of that portion of the road would also typically need to be adjusted. The review process revealed that utilities are present in both the existing PUE and in the area alongside the road that the applicant is going to dedicate as a future PUE. Staff has determined that relocating utilities is not warranted in this case and has asked the applicant to both leave the existing PUE in place and dedicate the new PUE. This item is related only to the abandonment of the existing ROW described; dedication of the new ROW, and of a PUE that aligns with the road as constructed, will be handled administratively. The PUE along the existing ROW will remain due to the placement of existing utilities. The staff has determined that the proposed vacation will actually benefit the public and the public will not be materially injured. Currently, the public does not have adequate legal permission to access the entrance of Serenity Circle as constructed; the abandonment of the ROW is part 1 of a 2-part plan to establish adequate legal permission.

There is no public input at this time.

Motion: MOVE TO ADOPT FINDING T1V(1) AND APPROVE THE TYPE 1 VACATION REQUEST AND ORDER OF ABANDONMENT ASSOCIATED WITH T1V23001. **Action:** Approved. **Moved by:** Councilman Torres, **Seconded by:** Councilman Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

7.3. (For Possible Action) Second Reading and possible adoption of Bill #332, an Ordinance to amend Section 32.07.020 (Accessory Dwellings) of the City of Fernley Development Code to conform with NRS Section 278.253 regarding tiny houses.

Michele Rambo, Planning Director, presented this item. During the 2021 Nevada Legislative Session, a bill was passed and signed by the governor requiring that all governing bodies within the state adopt regulations allowing tiny homes. This bill required that these regulations be adopted prior to January 1, 2024. Based on direction received from both the City of Fernley Planning Commission and City Council, staff has prepared an amendment to Section 32.07.020 (Accessory Dwellings) allowing tiny homes on permanent foundations as accessory dwelling units. At their meeting on September 13, 2023, the Planning Commission voted to recommend approval of Bill #332 as presented. The first reading of this bill was done at the City Council meeting of October 18, 2023.

There is no public input at this time.

Motion: I MOVE TO ADOPT BILL #332, AN ORDINANCE TO AMEND SECTION 32.07.020 (ACCESSORY DWELLINGS) OF THE CITY OF FERNLEY DEVELOPMENT CODE TO INCORPORATE TINY HOMES ON PERMANENT FOUNDATIONS. **Action:** Approved. **Moved by:** Councilman Albert Torres, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 4, No 1. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, **No:** Councilwoman McKay.

7.4. (For Possible Action) Second Reading and possible adoption for Bill #335, an Ordinance to repeal and replace Section 32.06.140 (Planned Development) of the City of Fernley Development Code.

Michele Rambo, Planning Director, presented this item. The Planned Development section of the City Code was last amended in 2020. Since that amendment, the interest in Planned Developments throughout the City of Fernley has grown. The current Planned Development section is aimed at residential developments and does not include information on application requirements or an approval process. The proposed amendment has been written to not only include the missing processing information, but also to make it more applicable to non-residential development. Therefore, staff is recommending that the overall amount of open space for commercial/industrial planned developments be reduced from 20% to 10 %. Another change to be noted is the increase in the minimum site area required for Planned Development from five (5) acres to forty (40) acres. The Planning Commission recommended approval of Bill #335 at their October 11, 2023, meeting. The first reading of this Bill was conducted at the November 1, 2023, City Council meeting.

There is no public input at this time.

Motion: I MOVE TO APPROVE BILL #335 REPEALING AND REPLACING SECTION 32.06.140 (PLANNED DEVELOPMENT) OF THE CITY OF FERNLEY DEVELOPMENT CODE AS PRESENTED BY STAFF. **Action:** Approved. **Moved by:** Councilman Ryan Hanan. **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

Mayor Neal E. McIntyre called for a break 6:10 pm - 6:20 pm.

7.5. (For Possible Action) Second Reading and possible adoption of Bill #338, an Ordinance conditionally adopting Phase 1 of the Victory Logistics District Planned Development (PD23001), including a Change of Zone from Industrial (I) and General Commercial (C2) to Planned Development (PD) and approval of a development standards handbook. The Planned Development consists of approximately 2,174 acres generally located south of Interstate 80 and east of Nevada Pacific Parkway (APNs 021-201-01 and -16; 021-211-02, -03, -04, and -06; 021-242-11 and -17; 021-251-25; 021-261-43 and -44).

Michelle Rambo, Planning Director, presented this item. The property owner, Mark IV Capital, has built several industrial buildings within Fernley near Interstate 80 and Nevada Pacific Parkway. Mark IV Capital has acquired a large part of that area and would like to develop an industrial park. The proposed Planned Development is the first of many steps to make that happen. As part of the proposed Planned Development, a handbook has been developed to standardize development within the industrial park. The ultimate approval of the Planned Development will include both a change in zoning from Industrial (I) and General Commercial (C2) to Planned Development and the approval of the associated handbook. Additional approvals will be sought in the coming months for a Development Agreement and a Tentative Subdivision Map. This item was considered at the Planning Commission meeting of October 10, 2023. The Planning Commission recommended denial of Bill #338 based on public safety concerns. Specifically, the Planning Commission felt strongly that the developer's attempt to put off building the required fire station during their presentation created a threat to the health, safety, and welfare of Fernley residents and workers within the industrial park. A more detailed discussion of the fire issue can be found below. Since the Planning Commission meeting, there have been on-going meetings with Mark IV Capital on a handful of issues, including the fire station. Staff may be presenting some proposed modifications to the Conditions of Approval based on the outcome of those meetings that address the Planning Commission's concerns. This proposed Planned Development is the first of several approvals that will be needed before the actual development of the area can occur. A Development Agreement is currently

developed between Mark IV Capital and the City of Fernley. This agreement will outline the timing and extent of public improvements to be installed by the Master Developer. It will also provide the city with assurances that public services and infrastructure will be sufficient to protect the health, safety, and welfare of residents as the project grows. There are several significant issues that need to be examined as part of this proposal. These include utility infrastructure, increased traffic, and fire protection. Each of these issues has undergone significant study and discussion to determine the best ways to handle the significant increase in need that the project creates while making the improvements more financially feasible for the developer.

Dave Snellgrove, presented for Mark IV Capital, and introduced their staff that are working with the city. He thanked the Fernley city staff for working with them to come up with solutions. He gave a review of the solutions and the progress that is being made.

Mayor Neal E. McIntyre stated that he would like to see a breakdown of 5 years. He called for public input at this time.

Tray Abney expressed support of the well-planned and thought-out development.

James Roberts stated that it was an excellent presentation.

Joe Reisenaur stated that he thinks this is great for the city, well thought out and will serve the community and city well.

Cody Wagner, on behalf of himself, stated he still can't get his head around the financial projections. The projections on property taxes show that Lyon County will make \$28 million, and the City of Fernley will make \$20 million by 2030. If you look at sales taxes created from this project, Lyon County will capture 80% and the City of Fernley less than 1% because of the consolidated tax revenue issues. If there was ever a chance to solve some of that with the County, he thinks this is the project to do it. It would bring the City more revenue to solve whatever issues are out there. There is a tremendous opportunity which we should not let pass by right now.

Scott Joke (Zoom) stated that he is in strong support of this project. Mark IV is a great company, with a solid financial balance sheet and they are not promoters.

Motion: I MOVE TO CONDITIONALLY APPROVE BILL #338 CREATING PHASE 1 OF THE VICTORY LOGISTICS DISTRICT PLANNED DEVELOPMENT (PD23001) TO INCLUDE CHANGING THE ZONING FROM INDUSTRIAL (I) AND GENERAL COMMERCIAL (C2) TO PLANNED DEVELOPMENT WITH THE ASSOCIATED HANDBOOK AS PRESENTED BY STAFF, INCLUDING THEIR RECOMMENDED CHANGES TO SECTION 1.5.7 OF THE HANDBOOK AND CONDITIONS OF APPROVAL NO. 5, 10A, 10C, AND 10D. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Albert Torres. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

8. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

8.1. Possible action to request a future agenda item to discuss the goals for Main Street America and our relationship with the Nevada Department of Transportation. (Councilman Hanan)

Councilman Ryan Hanan would like to have our own system of communication with NDOT and work in parallel with any accessory organization that is doing something similar. He would like a report from NDOT every three months or four months. NDOT indicated that they would like to see a list of our city's goals for highway transportation projects.

Councilwoman Zoberski asked if the goals and objectives are mapped out in our traffic master plan.

Derek Starkey, City Engineer, stated that the goals and objectives in the traffic master plan are reported to NDOT, but there are other items like landscaping and lighting, that are not included in that list to NDOT.

Motion: I MOVE TO HAVE THE MAYOR TO INSTRUCT STAFF TO COME UP WITH A LIST OF OUR PRIORITIES AND OBJECTIVES FOR STATE HIGHWAYS WITHIN THE CITY OF FERNLEY.

Action: Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 4, No 1. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilwoman McKay, Councilman Hanan, **No:** Councilman Torres.

8.2. Possible action to request a future agenda item to discuss lighting on Farm District Road. (Councilwoman McKay)

Councilwoman Fran McKay would like to see more lighting on our cross-walks.

Motion: MOVE TO ADD TO THE PREVIOUS FUTURE AGENDA ITEM FOR DISCUSSION REGARDING THE LIGHTING ON FARM DISTRICT ROAD. **Action:** Approved. **Moved by:** Councilwoman McKay, **Seconded by:** Councilman Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilwoman McKay, Councilman Hanan.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

There were none.

10. PUBLIC FORUM

Colleen (Zoom), Rural County liaison for NDOT. Elaborated on Councilman Hanan's previous comment. At NDOT they do rural county consultation where they meet with all the rural counties and do a workshop. This is a closed meeting workshop, but local jurisdictions are invited to attend where you have the opportunity to discuss and identify your top priorities, needs and concerns. The next workshop will be in a couple of months.

Teresa Morros (Zoom) would like to have NDOT open workshops for residents. She also asked when Congressman Amodei would be in Fernley.

Mayor Neal E. McIntyre stated that he had not heard from his office in regard to the visit.

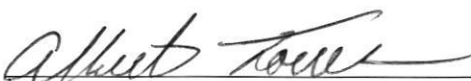
Councilwoman Zoberiski stated she would like to have a public meeting before attending the NDOT workshop.

11. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 7:35 pm.

Approved by the Fernley City Council on December 6, 2023, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0



Mayor Pro Tem Albert Torres



City Clerk Kim Swanson